

REMARKS

Applicants' undersigned attorney gratefully acknowledges the courteous telephone interviews on January 21 and February 20, 2004 with the Examiner in charge of this application. As discussed during the interviews, the Office Action of October 22, 2003 has been carefully reviewed in light of the cited references and the Examiner's comments, and accordingly, independent claims 26, 32 and 35 are being amended to clarify the structure of applicants' patio door assembly and to distinguish further between applicants' structure and the door and frame assemblies disclosed in Novak et al '223 and Yane '947. Applicants acknowledge the allowance of independent claim 34 and dependent claims 29 and 33.

In reference to amended claim 32, the rectangular frame 78 of applicants' fixed or first door panel 70 (FIG. 3) includes plastics extrusions enclosing a glass panel 80 and having a peripherally extending and laterally outwardly facing external groove 95. A rigid spacer member 128 is confined within the groove and projects outwardly from the groove completely around the door panel frame. The spacer member precisely and uniformly positions the fixed door panel 70 between the head and sill members (14 & 16) and between the vertical jamb member 18 and astragal member 50, as stated at the top of page 7. In addition, the outwardly projecting spacer member closes the gap surrounding the door frame 78.

Novak et al '223 discloses in FIG. 4 a solid door 12 and solid fixed side lites 64 & 66, and the vertical jamb 56 & 62 of the main outer frame (FIG. 3) have vertical grooves which receive projecting ribs of vertical brick moldings 84. Novak et al '223 does not teach or suggest a reconstruction of door assembly disclosed in Yane '947 to arrive at applicants' door assembly as set forth in claim 32. More specifically, Novak et al has nothing suggesting applicants' rectangular door panel frame 78 with a peripherally extending groove 95. Moreover, the vertical brick moldings in

Novak et al have no relation to applicants' spacer member 128 confined within the groove 95 and projecting outwardly from the groove around the door frame.

With respect to amended claim 35, each of applicants' rectangular door panel frames 78 (FIG. 5) encloses a glass panel 80 and has parallel spaced outer side walls 82 & 83 and inner walls 86, and laterally extending inner walls 88, 91 & 92 integrally connecting the side walls 82 and inner walls 86. The outer and inner walls 82 & 86 and the internal walls 91 & 92 of the door panel frame extend completely around the glass panel 80, and the active leaf 117 of the hinge 115 is secured by threaded fasteners 66 (FIG. 5) to the laterally extending internal walls 88 of the adjacent frame member of the swinging door panel 75.

While the fixed vertical jambs (56, 58, 60, 62) of Novak et al '223 (FIG. 4) have parallel spaced walls integrally connected by internal walls, there is no suggestion in Novak et al for reconstructing the rectangular solid door panel frames disclosed in Yane '947 to arrive at applicants' door assembly, as set forth in claim 35. As mentioned above, Novak et al '223 discloses a solid door 12 and solid side lites 64 & 66, and has nothing suggesting the structure of applicants' glass door frames 78 and the attachment of applicants' active hinge leaf to the frame 78 of the swinging door panel 75.

The references also fail to disclose or teach the additional structure of applicants' patio door assembly as set forth in the claims dependent from claim 35. More specifically, with respect to claim 24, applicants' hinge 115 (FIG. 5) has an inactive leaf 121 which extends longer than the active leaf 117 and from the head member 14 to the sill member 16. This structure not only covers the adjacent edge portion of the swinging door panel frame 78, but also provides for quickly and precisely positioning the swinging door panel 75 with the desired clearance between the head member 14 and sill member 16 during assembly of the patio door, as emphasized at the top of page 8. Neither Novak et al nor Yane suggest any such structure.

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Applicants also find nothing in Novak et al or Dallaire teaching the structure of applicants' vertical astragal member 50 as called for in claim 25 and including the internal walls 58 (FIG. 5) spaced from the end walls 54 and having portions 68 defining vertical holes receiving the threaded fasteners 66 (FIG. 6) extending through the head and sill members. With respect to claim 26, applicants' metal approach member 38 (FIG. 3) includes an inner portion 41 defining a groove which receives and supports a flexible door seal 36 for contacting the door frame. This structure is not disclosed or taught by Yane wherein the swinging door 11 carries the resilient sealing element. In reference to claim 27, the screen door frame shown in FIG. 2 of Yane is supported and received by a flange formed or extruded as an integral part of the jamb member. This structure does not suggest applicants' angular insert strips 46 (FIGS. 2 & 3) attached by a snap-fit to the head and jamb members. This structure permits the door assembly to be used without a screen door and without the retaining channel along the jamb and head members.

In view of the above reasons, applicants submit that independent claims 32 and 35 and dependent claims 24-28 and 30 are in condition for allowance with claims 34, 29 and 33. Accordingly, applicants respectfully request that this application be passed to issue.

Respectfully submitted,

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